IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 2545 of 2007(C)

PETITIONER:

N.P.SREEDHARAN,AGED 48, JUNIOR CLERK, THALIPARAMBA PRIMARY CO-OP.AGRICULTURAL DEVELOPMENT BANK,PAYYANNUR, RESIDING AT MAVILAYI AMSOM DESOM, KANNUR TALUK.(UNIT PRESIDENT, ALL KERALA AGRICULTURAL AND RURAL DEVELOPMENT BANK EMPLOYEES ASSOCIATION, AFFILIATED TO AIBEA).

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:
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1. THALIPARAMBA PRIMARY CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK, HEAD OFFICE AT PAYYANNUR, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY, KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD, THIRUVANANTHAPURAM - 1.

BY ADV. SRI.T.R.HARIKUMAR
SRI.M.SASINDRAN --- R1
SRI.P.V.MOHANAN --- R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 2545/2007 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE FORWARDING LETTER DT. 15/11/2003 BY THE R1 TO THE R2.

EXT.P2. COPY OF THE COVERING LETTER DATED 15/11/03 FORWARDED TO THE R2 BY THE R1.

EXT.P3. COPY OF THE REPRESENTATION DT. 10/2/2003 BY THE PETITIONER AND 18 OTHERS BEFORE THE R2.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.M.JOSEPH, J.

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WP.(C) No.2545 of 2007

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Dated this the 1st day of August, 2007

JUDGMENT

Petitioner has approached this court seeking a direction to the respondent to enroll the petitioner and other employees mentioned in Ext.P1 into the Co-operative Societies Pension Scheme, 1994. A direction is also sought to the second respondent to recover the arrears with interest from the first respondent for the period starting from the respective dates of joining duty of each employee mentioned in Ext.P1. Case of the petitioner in brief is as follows:

Petitioner is a Junior Clerk as also the Unit President of All Kerala Agricultural and Rural Development Bank Employees Association. The first respondent Bank vide Resolution dated 10.2.2003 requested the second respondent to enroll 22 employees into the Pension Scheme. It is his further case that Exts.P1 and P2 would show that the first respondent has complied with all the formalities. Since the employees are the beneficiaries of the Scheme, they frequently approached the second respondent, but no positive action is taken.

2. I heard learned counsel for the petitioner and respondents 1 and 2.

3. Learned counsel for respondent No.2 would submit that the details regarding the employees have to be forwarded to the second respondent by the first respondent in the proforma. Further the amounts standing in the credit of the Employees Provident Fund, if any, has to be transferred to the credit of the Pension Fund by the first respondent. Once this is done, steps will be taken by the second respondent.

4. On the other hand it is submitted by the learned counsel for the first respondent on instructions that they have already forwarded the details of the employees in the proforma in the year 2003 itself. It is submitted by the learned counsel for the petitioner that the employees were not enrolled in the Provident Fund. In such circumstances, the writ petition is disposed of as follows:

The first respondent will forward the details in the proper proforma accompanied by the service records of the employees, if it has not already been done, within a period of one month from the date

of receipt of a copy of this judgment. If already the proforma and necessary service particulars have been forwarded, the second respondent will take up the matter and do the needful in accordance with law, so that the employees in the first respondent Society becomes entitled to the Pension Scheme. If the necessary details and records have already been received by the second respondent, the second respondent will complete the formalities within a period of two months from the date of receipt of a copy of this judgment. If it has not already been received from the first respondent, the formalities shall be completed by the second respondent within two months from the date of receipt of the records from the first respondent.

(K.M. JOSEPH, JUDGE)

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